



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF THE
REGIONAL
ADMINISTRATOR

July 5, 2012

Mr. Jason Metrokin
Bristol Bay Native Corporation
111 West 16th Avenue Suite 400
Anchorage, Alaska 99501-5109

Dear Mr. Metrokin:

This letter is in response to your correspondence regarding the period for public comments on the Environmental Protection Agency's Draft Bristol Bay Watershed Assessment.

The EPA received several requests to extend the 60 day public comment period for the draft Bristol Bay Watershed Assessment. The EPA also received several requests to maintain the existing schedule. We have carefully considered both sets of requests and have decided not to extend the public comment period beyond the current deadline of July 23, 2012.

Historically, the EPA has provided sixty days for public comment on complex scientific assessments of comparable scope and detail. Our experience has been that a comment period of this duration is sufficient for members of the public to address the principal scientific issues, particularly where many of the commenters are familiar with and have expertise in the issues presented. In addition to undergoing public comment, the draft Bristol Bay Watershed Assessment will be evaluated by an independent scientific peer review panel. On August 7-9, 2012 in Anchorage, the peer review panel will meet to review the draft Bristol Bay Watershed assessment. The first two days will be open to the public and the panel will entertain public comments on August 7, 2012.

Some individuals requesting an extension of the comment period stated that more time is needed so the public can have access to the peer review process. The current peer review process for this draft assessment follows the Office of Management and Budget guidelines by ensuring that the public comments will be available to the peer review panel before it begins its deliberations on the adequacy of the science that is the foundation of the draft Bristol Bay Watershed Assessment. The OMB's 2004 Final Information Quality Bulletin for Peer Review recommends: *"Whenever feasible and appropriate, the agency shall make the draft scientific assessment available to the public for comment at the same time it is submitted for peer review (or during the peer review process) and sponsor a public meeting where oral presentations on scientific issues can be made to the peer reviewers by interested members of the public. When employing a public comment process as part of the peer review, the agency shall, whenever practical, provide peer reviewers with access to public comments that address significant scientific or technical issues."* A summary of public comments received by the EPA will be provided to the peer review panel. The current schedule follows the process recommended by the OMB Bulletin, by making public comments available to the peer reviewers and providing the public the opportunity to make oral presentations to the panel.

We have received feedback suggesting a longer comment period should be provided because the draft Bristol Bay Watershed Assessment purportedly involves important questions of state and federal law.

The purpose of the draft Bristol Bay Watershed Assessment is strictly to inform the EPA about the significance of the Bristol Bay's ecological resources and the potential impacts of large-scale mining on these resources. This is not a regulatory action. The EPA conducted the Draft Bristol Bay Watershed Assessment based on authority under Section 104 of the Clean Water Act. If, in the future, the Agency decides to initiate a regulatory action, there would be a process for public review and comment.

Some parties requesting an extension expressed concern that the comment period overlaps with the Bristol Bay fishing season and that commercial and subsistence fishers would not be available to comment on the Draft Bristol Bay Watershed Assessment during this period. The EPA's public meetings on the draft Bristol Bay Watershed Assessment in June were well attended by over 2,000 people including many of those who practice a subsistence way of life and many in the commercial fishing industry. These public meetings were held in eight communities, including six within the Bristol Bay watershed. This is in addition to 16 meetings in Alaskan communities as the draft Bristol Bay Watershed Assessment was being prepared. To date, 870 individual letters and over 14,500 form letters have been submitted to the Docket on the draft Bristol Bay Watershed assessment, demonstrating that these groups are actively engaged in the public comment process.

In May, 2010, the EPA received several requests from Federally Recognized Tribes to use its authorities to address large-scale mining in Bristol Bay. The EPA's policy is to consult on a government-to-government basis with Tribes. We embarked on the draft Bristol Bay Watershed Assessment to help us better understand the Bristol Bay salmon fishery and the risks of large-scale mining to that fishery so that we would have a more informed basis for deciding how to respond to the Tribes. The resulting delay in acting on the Tribal requests has created uncertainty and anxiety in some Tribal villages. Maintaining the current schedule for public comment and peer review will minimize further delays by enabling the EPA to move forward with the assessment in a timely manner.

We will continue to accept comments until July 23, 2012. You can download the document as well as submit comments at: www.epa.gov/bristolbay. If you have additional questions about the draft Bristol Bay Watershed Assessment, please contact Rick Parkin, who is the EPA's lead coordinator for the Watershed Assessment at **Ex. 6 PII**

Sincerely,



Dennis J. McLerran
Regional Administrator